

-1-

Case No. 1:09-CV-01763
Gwin, J.

those portions of a Report and Recommendation to which the parties have made an objection. [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). Parties must file any objections to a Report and Recommendation within fourteen days of service. [Id.](#); [Fed. R. Civ. P. 72\(b\)\(2\)](#). Failure to object within this time waives a party's right to appeal the district court's judgment. [Thomas v. Arn, 474 U.S. 140, 145 \(1985\)](#); [United States v. Walters, 638 F.2d 947, 949-50 \(6th Cir. 1981\)](#). Absent objection, a district court may adopt the magistrate judge's report without review. [See Thomas, 474 U.S. at 149](#).

In this case, neither party has objected to the Magistrate Judge's recommendation and the Defendant has specifically noted that it does not object. [[Doc. 29](#).] Moreover, having conducted its own review of the record and the parties' briefs in this case, the Court agrees with the conclusions of Magistrate Judge Vecchiarelli.

Accordingly, the Court **ADOPTS** in whole Magistrate Judge Vecchiarelli's Report and Recommendation and incorporates it fully herein by reference, **VACATES AND REMANDS** the decision of the Commissioner of Social Security for the purpose of adequately articulating his assessment of the record evidence.

IT IS SO ORDERED.

Dated: January 3, 2010

s/ James S. Gwin

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE